

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

0302-M043

Case Title:

Demolition of Weirton Steel Basic Oxygen Plant - Weirton, WV

Subject of Report:

Coordination with WV DEP

Reporting Office:

Wheeling, WV, Resident Office

Activity Date:

July 16, 2019

Reporting Official and Date:

(b) (6), (b) (7)(C)

Special Agent

22-JUL-2019, Signed by: (b) (6), (b) (7)(C)

Approving Official and Date:

(b) (6), (b) (7)(C)

Special Agent in Charge

20-AUG-2019, Approved by: (b) (6), (b) (7)(C)

Special Agent in Charge

SYNOPSIS

On July 16, 2019, SA (b) (6), (b) (7)(C), EPA-CID, conducted a coordination with James Fenske, WV DEP.

DETAILS

On July 16, 2019, SA (b) (6), (b) (7)(C), EPA-CID, contacted James Fenske, WV DEP, to discuss whether his office had received any information regarding the demolition of Weirton Steel Basic Oxygen Plant (BOP) in Weirton, WV, that had taken place on March 9, 2019. Fenske advised that his office did have information concerning the matter and agreed to meet with SA (b) (6), (b) (7)(C) on July 18, 2019, at the EPA Region III office located at 1060 Chapline St. Wheeling, WV, to discuss. Upon conclusion of the conversation, Fenske provided SA (b) (6), (b) (7)(C) (via email) with multiple documents (attached) which provided background and insight of the event.

SA (b) (6), (b) (7)(C) met with Fenske on July 18, 2019, during which time Fenske informed SA (b) (6), (b) (7)(C) that the WV DEP office had not previously dealt with an implosion as large as the one involving the Weirton Steel BOP. He claimed that most of the implosion events WV DEP dealt with involved residential demolitions, and that they were handled by the Department of Air Quality (DAQ). Concerning the event, Fenske advised that there was one (1) inspector who primarily worked with Frontier Industrial Corporation, and that inspector was Al Carducci, WV DEP DAQ Environmental Resource Specialist, who worked out of the WV DEP Wheeling Office. He advised that Carducci would have been the inspector on site at the time of the implosion.

Fenske informed that to his knowledge all required steps had been taken leading up to the event. He said WV DEP, WV DHHR, and Weirton City government officials had been properly notified. He claimed that an asbestos survey had been conducted, and the removal process had been completed. He recalled the removal process being thorough, as Carducci had found some asbestos containing materials (ACM) that had been overlooked and had the removal team go back and remove the additional ACM. Fenske also claimed that because of the size of the project, it was likely all players (including the inspectors and removal company) involved were licensed and above board. Fenske opined that the event had gone as planned. He stated it was unlikely the implosion could have gone straight down or towards the front of the structure due to the close proximity of the highway, and he thought the option chosen might have been the only possible option available. Fenske stated WV DEP did not regulate implosions, and was unaware as to whether any other agency would have been involved or if it would be something that was unregulated.

Fenske advised that after the event, a clean-up had taken place within the nearby residential neighborhoods, and that the task had been undertaken by Panhandle Cleaning and Restoration. He stated the company had over fifty (50) individuals involved in the clean-up efforts. Fenske relayed that Panhandle Cleaning and Restoration was also named as a defendant in the civil lawsuit filed by local residents who had been

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impacted by the event. Fenske provided a list of the defendants named in the civil lawsuit: Frontier Industrial Corporation; City of Weirton; Mingo Junction Steel Works, LLC; Robert Zuchlewski (Frontier Group's Chief Operations Officer); Demolition and Explosives Inc.; Panhandle Cleaning and Restoration; Rocky Rift Consulting; and VTC Insurance Group. Fenske also provided a copy of the Civil Action filed in the Circuit Court of Hancock County, WV (attached), which provided a list of names for the 78 residents and 23 households affected.

Fenske opined the plume of smoke was generated due to the height of the structure and the fact that it was so large. He advised there had been some safety measures put into place, and that the water canons was thought to had worked properly. Fenske claimed he was unsure what all safety measures would have been required for a job of this size, as he was not familiar with industry standards as it related to demolition and implosions. Fenske relayed that currently WV DEP had not taken any regulatory actions against anyone, as they do not regulate implosions, but advised they possibly still could. He was of the impression that a violation should be issued, based on the plume alone, for Conditions Not Allowed or something similar (as "Conditions Not Allowed" was the name of the violation in the area of WV DEP that he worked).

Fenske briefly spoke of the two (2) letters sent to the residents attorneys (Michael E. Nogay and James J. Sellitti) from WV DEP (attached). One letter had been sent to Nogay (dated March 22, 2019), and explained the two (2) ambient air monitoring stations operated by WV DEP. The letter detailed the process in which the stations operated and their location (one station being approx. 2 miles southwest of the site and the second being approx. 0.8 miles northeast). It also relayed that an inspector had been on site at the time of the implosion, that an inspection and removal of ACM had taken place, and that the air monitoring stations had not indicated any health impacts. The second letter had been sent to Sellitti (dated April 30, 2019), and was in reference to the analysis of dust samples provided by Sellitti. Sellitti had been informed that the analysis provided could not directly correlate to the National Ambient Air Quality Standard (NAAQS). Sellitti was also informed that according to the standards utilized by WV DEP and the data collected for March 9, 2019, there was no violation of WV or Federal ambient air quality standards.

Fenske also provided SA ^{(b) (6), (b) (7)(C)} with two (2) sets of lab analysis results (attached), which had been completed by two (2) different laboratories. One had been provided to WV DEP from Frontier, and another had been provided to WV DEP from Sellitti. At the conclusion of the meeting Fenske informed SA ^{(b) (6), (b) (7)(C)} that he was aware EPA had both a criminal and civil enforcement division, but that he was unsure which one may be interested in this matter. Fenske added that he felt something should be done about the situation.

ATTACHMENT

Weirton ArcelorMittal AOC

Weirton Mingo AOC

Civil Action Filed in Hancock County, WV

WV DEP Response Letter(s)

Results of Lab Analysis